

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

AMENDED PETITION OF NORTHERN INDIANA)
PUBLIC SERVICE COMPANY ("NIPSCO"), PURSUANT)
TO IND. CODE 8-1-2, 8-1-8.5 AND TO THE EXTENT)
NECESSARY 8-1-2.5 FOR: (1) THE ISSUANCE OF)
CERTIFICATES OF PUBLIC CONVENIENCE AND)
NECESSITY FOR AND APPROVAL OF PURCHASE BY)
NIPSCO OF FACILITIES FOR THE GENERATION OF)
ELECTRICITY AND RELATED ASSETS INCLUDING:)
(A) PURCHASE OF A 535 MEGAWATT (MW))
COMBINED CYCLE GAS TURBINE AND RELATED)
ASSETS, SPECIFICALLY RELATED TO THE)
PURCHASE OF A 535 MEGAWATT (MW) COMBINED)
CYCLE GAS TURBINE AND RELATED ASSETS)
THROUGH THE ACQUISITION OF SUGAR CREEK)
POWER COMPANY, LLC AND ITS SUBSEQUENT)
MERGER INTO NIPSCO; (2) THE APPROVAL OF THE)
COSTS OF THE PURCHASES AND THE INCLUSION)
OF COSTS OF THE PURCHASES AND THE)
INCLUSION OF THE TWO COMBINED CYCLE GAS)
TURBINES IN NIPSCO'S RATE BASE AT NOT LESS)
THAN THE APPROVED COSTS; (3) APPROVAL OF)
ASSOCIATED RATEMAKING AND ACCOUNTING)
TREATMENTS; (4) AN ORDER AUTHORIZING)
NIPSCO TO DEFER FOR SUBSEQUENT RECOVERY)
THROUGH RETAIL RATES POST-IN-SERVICE)
CARRYING COSTS AND DEPRECIATION EXPENSE)
ASSOCIATED WITH THE PURCHASES OF THE)
GENERATING FACILITIES; (5) APPROVAL OF THE)
MERGER OF SUGAR CREEK POWER COMPANY,)
LLC. INTO NIPSCO; (6) FOR TERMINATION OF THE)
DECLINATION OF JURISDICTION AND OTHER)
CONDITIONS IMPOSED ON THE SUGAR CREEK)
POWER COMPANY, LLC COMBINED CYCLE GAS)
TURBINE BY THE COMMISSION'S PRIOR ORDERS)
UPON CONSUMMATION OF THE ACQUISITION; AND)
(7) CONFIDENTIAL TREATMENT OF CERTAIN)
INFORMATION TO BE PRESENTED IN THIS CAUSE.)

CAUSE NO. 43396 S1

PREHEARING CONFERENCE
ORDER

APPROVED: SEP 10 2008

BY THE COMMISSION:

David E. Ziegner, Commissioner

Scott R. Storms, Chief Administrative Law Judge

On July 30, 2008, the Indiana Utility Regulatory Commission issued a Supplemental Order that created a subdocket in Cause No. 43396. Pursuant to notice and as provided for in 170 I.A.C 1-

1.1-15, a Prehearing Conference in this Cause was held in Room 224 of the National City Center, 101 West Washington Street, Indianapolis, Indiana at 10:30 a.m. on September 3, 2008. Proofs of publication of the notice of the Prehearing Conference have been incorporated into the record and placed in the official files of the Commission. The Petitioner, the Office of Utility Consumer Counselor ("Public" or "OUCC"), and the intervening parties from Cause No. 42296, appeared and participated at the Prehearing Conference.¹ No members of the general public appeared.

Prior to the opening of the record and with the consent of all parties in attendance, an informal discussion was held regarding procedural and scheduling matters in this Cause. The agreement of the parties was then read into the record. Based upon the agreement of the parties, the Commission now enters the following Findings and Order which shall become a part of the record in this proceeding:

1. **Petitioner's Prefiling Date.** The Petitioner shall prefile with the Commission its prepared testimony and exhibits constituting its case-in-chief on or before September 26, 2008. Copies of same shall be served upon all parties of record.

2. **Public's and Intervenors' Prefiling Date.** Public and all Intervenors shall prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before November 18, 2008. Copies of same shall be served upon all parties of record.

3. **Petitioner's Rebuttal Prefiling.** The Petitioner shall prefile with the Commission its prepared rebuttal testimony on or before December 19, 2008. Copies of same shall be served upon all parties of record.

4. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled the cases-in-chief of the Petitioner, Public and any Intervenors shall be presented in an evidentiary hearing to commence at 9:30 a.m. on February 3-4, 2009 in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. At such time, the direct evidence of the respective parties shall be presented and their respective witnesses examined. Thereafter, Petitioner shall present its prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of Public's or Intervenors' witnesses. If the parties reach settlement, the agreement shall be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

5. **Sworn Testimony.** Any witness testimony to be offered into the record of this proceeding shall be made under oath or affirmation. In accordance with 170 IAC 1-1.1-18(h), if the prefiled testimony of a witness is to be offered into evidence at the Evidentiary Hearing, and the witness sponsoring the prefiled testimony is not required to, and does not, attend the Evidentiary

1. As this proceeding is separate from Cause No. 43396, in the interest of clarity of the record, we find that any potential Intervenor in this proceeding should file a separate motion to intervene in this subdocket.

Hearing, the prefiled testimony shall be accompanied by the witness's sworn affidavit or written verification at the time the evidence is offered into the record.

6. **Discovery**. Discovery is available for all parties and shall be conducted on an informal basis. Any response or objection to a discovery request shall be made within ten (10) calendar days of the receipt of such request.

7. **Prefiling of Workpapers**. When prefiling technical evidence with the Commission, each party shall concurrently file copies of the work papers used to produce that evidence. Copies of same shall also be provided to any other party requesting such in writing. When submitting workpapers to the Commission, two (2) copies of each document shall be filed with the Secretary of the Commission.

8. **Number of Copies/Corrections**. With the exception of work papers, the parties shall file with the Commission an original and five (5) copies of all prefiled testimony and exhibits. Any corrections to prefiled testimony shall be made in writing as soon as possible after discovery of the need to make such corrections. Although the Commission's rules require that original copies be one-sided, it is the Commission's preference that duplicate copies use both sides of the paper.

9. **Intervenors**. Any party permitted to become an Intervenor in this Cause shall be bound by the record as it stands at the time its Petition to Intervene is granted, pursuant to 170 IAC 1-1.1-11.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. The determinations of the Prehearing Conference set forth in this Order are made a part of the record in this Cause and shall be binding on all present and future parties of record during the proceedings of this Cause.

2. This Order shall be effective on and after the date of its approval.

HARDY, GOLC, SERVER, AND ZIEGNER CONCUR; LANDIS ABSENT:

APPROVED: SEP 10 2008

**I hereby certify that the above is a true
and correct copy of the Order as approved.**


Brenda A. Howe
Secretary to the Commission